UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA **SAN JOSE DIVISION**

| RICK FUTIA, |) Case No.: 10-CV-01808-LHK |
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| Plaintiff, v. |))) ORDER TO SHOW CAUSE WHY CASE) SHOULD NOT BE DISMISSED FOR |
| FRANK and ANNA CHRISTOPHER, as Trustees of the Christopher Trust, |) FAILURE TO PROSECUTE) |
| Defendants. | ,)) |

The Complaint in this case was filed on April 27, 2010. Because the Complaint asserts violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq., General Order 56 applies. Under General Order 56, the Court set a schedule with deadlines for certain events. See Dkt. No. 3. According to this schedule, the parties were to complete a joint site visit no later than August 5, 2010. However, no proof of service on Defendants has been filed in this matter, and no further action has occurred since the Complaint was filed.

It is now more than eight months since the case was filed, and more than five months since the parties were to have completed a joint inspection. The Court therefore orders the Plaintiff to show cause why the case should not be dismissed for lack of prosecution. Plaintiff shall file this response on or before February 14, 2011. A show cause hearing shall be held at 1:30 p.m. on March 24, 2011. Absent a showing of good cause, the case will be dismissed.

Case No.: 10-CV-01808-LHK

IT IS SO ORDERED.

Dated: January 14, 2011

LUCY H. KOH United States District Judge

Case No.: 10-CV-01808-LHK

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED